

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., *et al.*,

Plaintiffs,

VS.

COX ENTERPRISES, INC., *et al.*,

Defendants.

No. 1:14-cv-01589-TWP-DKL

Entry Regarding In Camera Review

The Court held a telephonic conference on December 9, 2016, in an effort to assist the parties with a discovery dispute. One of the issues involved requests for production of NextGear policies, Request Nos. 6-7 and 26-29. Defendants stated that Plaintiffs asked for specific policies and Defendants produced what was requested, redacting irrelevant information. Judge LaRue requested both redacted and unredacted copies of the policies for purposes of conducting an *in camera* review.

The Court has reviewed the policies. With two exceptions addressed below, when the information is viewed in the light most generously toward Plaintiffs, an argument can be made that relevant information was redacted. In all other respects, the Court agrees that Defendants redacted information that was irrelevant to the discovery requests.

The two exceptions are, first, Exhibit 3 to the Curtailment Extension Policy, Policy Number PMT-104, found at page 6 of the policy, and titled "Power Report," Bates

stamped NG_009191. (What appears to be the same document is also found at Bates stamped pages NG_009201 and NG_009207.) This exhibit appears to be a form with dealer-specific information included and does appear to be relevant to the policies requested. The undersigned finds that the dealer-specific information should be redacted, but the headings and information contained in the shaded areas should *not* be redacted and should be produced to Plaintiffs within seven days.

Second, on the pages Bates stamped NG_009436 and NG_009438 NextGear redacted the information contained in section "C." of "Requirements," 2. System Entry, but this information appears to be responsive to the discovery requests as well. The undersigned finds that this information should be produced to Plaintiffs within seven days.

Also, it seems that all but the first letter of the word in item 3 of "Requirements" on that same page (Bates stamped NG_009438) was inadvertently redacted. This information should also be produced to Plaintiffs within seven days.

If this does not resolve the remaining areas of dispute, then Plaintiffs should file an appropriate motion for briefing and decision.

Dated: 12/13/2016

A handwritten signature in black ink, reading "Denise K. LaRue". The signature is written in a cursive, flowing style.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

Electronic Distribution to All Counsel of Record